

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x Civil Action No.: CV-06-1679(ARR)(RML)  
UNITED STATES OF AMERICA, §  
§  
Plaintiff, §  
- against- §  
§  
LIDIA MEJIA, §  
§  
Defendant. §  
-----x

DEFAULT JUDGMENT

Because Lidia Mejia failed to appear to defend this action after having been served with process, it is ordered that a default be entered.

It is adjudged that the United States of America recover from Lidia Mejia:

Claim No. C99-22329W

<u>Principal Balance:</u>	\$1,100.60
<u>Total Interest Accrued at 8.000%:</u>	\$1,798.75
<u>Filing and Service of Process:</u>	0 <del>\$397.00</del> M
<u>Subtotal:</u>	<u>\$3,296.35</u>
<u>Attorney's Fees:</u>	\$
<u>Total Owed:</u>	<u>\$ 2,899.35</u> M

Post-judgment interest shall be calculated, pursuant to 28 U.S.C. §1961.

Signed: Brooklyn, New York

July 14, 2006

~~Allyn R. Ross~~ ROBERT C. HEINEMANN  
~~United States District Judge~~ CLERK OF COURT

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NOTATION OF DEFAULT

I, Robert C. Heinemann, Clerk of Court of the United States District Court for the Eastern District of New York, do hereby certify that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of defendant, Lidia Mejia is hereby noted pursuant to rule 55(a) of the Federal Rules of Civil Procedure.

Dated: Brooklyn, New York

*July 13th*, 2006

ROBERT C. HEINEMANN  
Clerk of Court

By:

*Janet Hamilton*  
Deputy Clerk

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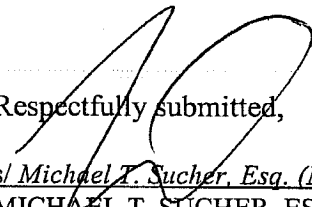
MOTION FOR DEFAULT AND FINAL JUDGMENT  
AND FOR APPROVAL OF LEGAL FEES

The Honorable Allyne R. Ross:

United States of America ("USA") moves for final judgment against Lidia Mejia ("Mejia") because Mejia has not answered, although duly summoned in the manner and for the length of time prescribed by law, and would further show that service was made on Mejia, and to USA's knowledge Mejia was not at the time of service in the military or naval service of the United States of America.

USA respectfully requests a final judgment in the amount set forth in the attached proposed judgment.

Dated: Brooklyn, New York  
July 6, 2006

  
Respectfully submitted,  
s/ Michael T. Sucher, Esq. (MS-9414)  
MICHAEL T. SUCHER, ESQ.  
Private Counsel for Plaintiff  
United States of America  
26 Court Street Suite 2412  
Brooklyn, New York 11242  
Tel. (718) 522-1995  
Fax. (718) 797-3174

UNITED STATES DISTRICT COURT  
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AFFIRMATION OF AMOUNT DUE

MICHAEL T. SUCHER, ESQ., an attorney duly licensed to practice in the Courts of the State of New York and in this honorable Court, affirms the following to be true under penalties of perjury:

1.

I am the attorney for the United States of America in the above-entitled and numbered action.
2.

The records of the Clerk of this Court show that the Summons and Complaint in this cause were duly served on Lidia Mejia (“Mejia“) on June 12, 2006.
3.

More than 20 days have passed since such service and Mejia has failed to appear, plead or otherwise defend.
4.

Mejia is not an infant or incompetent person and is not in the military service within the purview of the Servicemen's Civil Relief Act of 2003, as amended.
5.

Reasonable Attorney's fees are specifically authorized for collection on the promissory note sued upon.
6.

The sum of \$659.27 is hereby requested as attorney’s fees—same being 20% of the total amount due as of this date.
7.

It is respectfully submitted that 20% of the amount sought for collection is a reasonable amount of attorney's fees to award, and is in line with the percentage amount awarded as reasonable attorneys’ fees in this Court. US v. Vilius, 2005 WL 2175893 (E.D.N.Y.,

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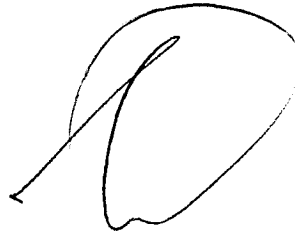
**NONMILITARY AFFIDAVIT**

MICHAEL T. SUCHER, ESQ., an attorney duly licensed to practice in the Courts of the State of New York and in this honorable Court, affirms the following to be true under penalties of perjury:

1. I am attorney of record for Plaintiff in the above-entitled and numbered case.
2. I investigated whether Defendant, Lidia Mejia is in military service, by inquiry to the United States Department of Defense, Manpower Data Center, which organization maintains files setting forth the names of all individuals in the world who are in active military duty in all branches of the United States military service.
3. Based on my investigation and on the attached Department of Defense, Manpower Data Center report dated July 6, 2006, setting forth that no records were found for a Lidia Mejia being in the United States military service as of that date, I am convinced that Defendant, Lidia Mejia is not in the military service of the United States, or of the State of New York, at the present time, nor has said Defendant, Lidia Mejia been ordered to report for induction under the Selective Training and Service Act of 1940, as amended. Defendant, Lidia Mejia has not been

ordered to report for military service as a member of the Enlisted Reserve Corps., and he was not receiving any training or education under the supervision of the United States preliminary to induction.

Affirmed: Brooklyn, New York  
July 6, 2006

A handwritten signature in black ink, appearing to read 'Michael T. Sucher', with a large, stylized loop at the end.

s/ Michael T. Sucher, Esq. (MS-9414)

MICHAEL T. SUCHER, ESQ.

Private Counsel for Plaintiff

United States of America

26 Court Street Suite 2412

Brooklyn, New York 11242

Tel. (718) 522-1995

Fax. (718) 797-3174

## Department of Defense Manpower Data Center

JUL-06-2006 13:35:06

Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
MEJIA	Lidia	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Robert J. Brandewie, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/fag/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.


Report ID: **KPJRHWBJEN**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Default Judgment and supporting papers was mailed by certified return receipt requested and regular mail on July 8, 2006 to:

Lidia Mejia  
Defendant In Person  
187 Spencer Street  
Brooklyn, New York 11205

Affirmed: Brooklyn, New York  
July 8, 2006

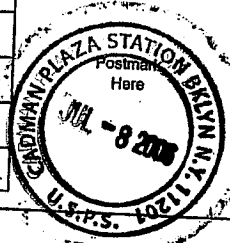
  
s/ Michael T. Sucher Esq. (MS-9414)  
MICHAEL T. SUCHER, ESQ.  
Private Counsel for Plaintiff  
United States of America  
26 Court Street Suite 2412  
Brooklyn, New York 11242  
Tel. (718) 522-1995  
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7005 3110 0001 8832 7563

U.S. Postal Service™	
<b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To  
Lidia Mejia  
Street, Apt. No.,  
or PO Box No. 187 Spencer Street  
City, State, ZIP+4  
Brooklyn, New York 11205

PS Form 3800, June 2002 Sec Reverse for Instructions





132228 230x 35.00  
United States District Court Eastern

County of District of New York  
Attorney: Michael Sucher

United States Of America

Petitioner Index # 1679/06  
Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE

Lidia Mejia

Respondent  
Defendant(s).

STATE OF NEW YORK: COUNTY OF KINGS ss:

Richard Dombakly BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK. That on 06/12/06 at 3:37pm at 187 Spencer Street Brooklyn, NY 11205 deponent served the within Summons In A Civil Action & Complaint

on LIDIA MEJIA AKA LIDIA PENA , therein named.

INDIVIDUAL

A. by delivering a true copy of each to said defendants personally: deponent knew the person so served to be the person described as said defendant therein. (S)He identified (her) himself as such.

CORPORATION/BUSINESS

B. a (domestic)(foreign)corporation/business by delivering thereat a true copy of each to Personally, deponent knew said corporation/business so serve d to be the corporation/business described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

C. by delivering thereat a true copy(ies) of each to a person of suitable age and discretion. Said premises is defendants (actual place of business)(dwelling house)(usual place of abode)within the state. (S)He identified (her)himself as of defendant.

AFFIXING TO DOOR, ETC.

D. xxx by affixing a true copy(ies) of each to the door of said premises, which is defendants (actual place of business)(dwelling house)(usual place of abode) within the state. Deponent was unable, with due diligence, to find defendant, a person of suitable age and discretion or a work address thereat, having called there on

06/08/06 11:20am 06/09/06 8:05pm 06/10/06 7:25am

MAILING USE WITH

xxx

Deponent also mailed a copy(ies) of same post paid by first class mail properly addressed to defendant(s) at the aforementioned address in an envelope marked "personal & confidential" and not indicating that the communication was from an attorney or concerned an action against the defendant(s) and deposited said envelope in a post office official depository under exclusive care and custody of the United States Postal Service within New York State on 06/13/06

Deponent further states that he describes the person actually served as follows

Sex Skin Color Hair Color Age (Approx.) Height (Approx) Weight (Approx)

Address Database Verified

MILITARY SERVICE

Above person was asked whether the defendant(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

USE IN NYC CIVIL CT.

The language required by NYCRR (e), (f) & (H) was set forth on the face of the said summons (es).

SUPREME COURT ACTION

Papers so served were properly endorsed with the index number and date of filing.

Sworn before me on 06/13/06

SARA R. BAER  
Notary Public, State of New York  
No. 01BA6145029  
Qualified in Kings County  
Commission Expires May 1, 2010  
NEIL J. SCHRAGER  
Notary Public State of New York  
NO. 24-984776  
Qualified in Kings County  
Commission Expires July 29, 2009

  
LICENSE NO. 8849965  
Richard Dombakly